

REMARKS

Applicant replies to the Office Action mailed on April 26, 2010 within three months. The Office Action states that Claims 1-11 were pending in the application and the Examiner rejects claims 1-11. However, claims 2 and 9 were previously canceled. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments. Applicant respectfully requests reconsideration of this application.

Rejections under 35 U.S.C § 103

The Examiner rejects claims 1-6 under 35 U.S.C. § 103(a), as being unpatentable over Vetter, U.S. Patent No. 5,716,211 (“Vetter”) in view of King, U.S. Patent No. 5,319,542 (“King”), and in view of Wardin, U.S. Publication No. 2001/0011240 (“Wardin”). The Examiner rejects claim 6 under 35 U.S.C. § 103(a), as being unpatentable over Vetter in view of King and in further view of Wardin and in further view of Hendrick, U.S. Publication No. 2005/0077348 (“Hendrick”). The Examiner rejects claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Vetter in view of King and in further view of Wardin and in further view of Hardgrave, U.S. Patent No. 6,010,239 (“Hardgrave”). The Examiner rejects claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Vetter in view of King and in further view of Wardin and in further view of Foladare, U.S. Patent No. 5,914,472 (“Foladare”). The Examiner rejects claims 1, 3-6 under 35 U.S.C. § 103(a), as being unpatentable over Wolfberg, U.S. Patent No. 5,745,706 in view of King and in view of Wardin. The Examiner rejects claim 6 under 35 U.S.C. § 103(a), as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Hendrick. The Examiner rejects claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Hardgrave. The Examiner rejects claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Wolfberg in view of King and in further view of Wardin and in further view of Foladare. The Examiner rejects claims 1-5 under 35 U.S.C. § 103(a), as being unpatentable over Official Notice in view of King. The Examiner rejects claim 6 under 35 U.S.C. § 103(a), as being unpatentable over Official Notice in view of Hendrick. The Examiner rejects claim 7 under 35 U.S.C. § 103(a), as being unpatentable over Official Notice in view of Hardgrave. The

Examiner rejects claim 8 under 35 U.S.C. § 103(a), as being unpatentable over Official Notice in view of Foladare. Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

Vetter discloses an educational savings bank and toy with multiple “storage locations that correspond to different budgetary categories.” (Abstract). The Vetter device “calculates, based upon preselected percentages, specific amounts to be allocated to each of the various budgetary accounts.” (Col. 2, Lines 44-46, emphasis added). Thus, Vetter provides an educational apparatus for children to begin to learn budgeting techniques. Significantly, Vetter **fails to disclose making a payment to savings regardless of debt obligations or minimizing penalties associated with debt obligations**. Instead, Vetter is limited to “displaying the future value of funds to be placed in various budgetary savings accounts...the future value of the amount to be deposited in each individual account is calculated, based on the age of the user and an appropriate time-frame and interest rate preselected for each budgetary account.” In other words, **the parameters for saving in each budget account in Vetter are predetermined and are not dependent upon a savings amount deposited into a separate budgetary account and no payment hierarchy that minimizes penalties is disclosed by Vetter**.

King discloses a system that “facilitates the user in electronically ordering items from suppliers.” The King system includes private catalog functions that facilitate the procurement process by allowing “Customers to load, access and identify supplier products on their own local computer systems...” (Col. 2, lines 43-45). Significantly, King **fails to disclose making a payment to savings regardless of debt obligations or minimizing penalties associated with debt obligations**.

Wardin discloses a billing system that can “adjust due dates on the fly and update a customer service center.” Para. 0009. The Wardin system can adjust the due date for billing statements based upon a formula, “for instance the due date can be set to be 30 days from the mailing of the billing statement” or “the due date may be adjusted based upon an amount owed or payment history of the customer. Para. 0009. Significantly, Wardin fails to disclose determining a payment hierarchy. Instead, the Wardin system is limited to adjusting due dates for bills (i.e., invoices) being produced by the system.

None of the other cited references cure the deficiencies of Vetter, King and Wardin. As such, Vetter, King or Wardin, alone, or in combination with each other or with any cited reference, fail to disclose or contemplate at least the following, as recited in claim 1 (emphasis added) and as similarly recited in independent claims 10-11 :

determining, by said computer-based system **and in response to said transferring said savings amount**, a payment hierarchy based upon said savings amount, said plurality of penalties and at least one of: said payment information, said user savings goal information and said user income information, **wherein said payment hierarchy minimizes said plurality of penalties and includes a payment priority, a payment amount and a payment timing**; and

Applicant therefore respectfully submits that independent claims 1 and 10-11 are allowable over the cited references.

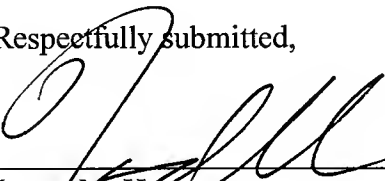
Dependent claims 3-8 variously depend from independent claim 1, so dependent claims 3-8 are allowable over the cited references for the reasons set forth above, in addition to their own unique features, some of which are stated above.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that Applicant regard as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Dated: _____

7/16/10

Respectfully submitted,

 #39038

James M. Hennessee
Reg. No. 62,659

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6516
Fax: 602-382-6070
Email: mhennessee@swlaw.com